

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JESSE L. MORGAN,)
)
Plaintiff,)
)
vs.)
) Case No. 4:15-CV-1654 SNLJ
THE VOGLER LAW FIRM, P.C., *et al.*,)
)
Defendants,)
)

MEMORANDUM & ORDER

This Court awarded plaintiff his attorneys' fees and costs that were incurred in filing motions to compel against the defendants. (#51, #102.)

Plaintiff filed a motion for sanctions (#66) as to defendants Vincent V. and Vincent D. Vogler on May 1, 2017. Plaintiff stated that despite the Court's order granting the motion to compel, the two individual Vogler defendants had not submitted their discovery responses as required. The Voglers' attorney explained that he had sent their discovery responses along with the Vogler Law Firm responses on April 25, 2017. The case became stayed shortly thereafter. After the stay was lifted, the Voglers' attorney re-sent the discovery responses to plaintiff's attorney on July 7, 2017. Plaintiff's counsel replies that defense counsel re-sent only the portion of responses they had provided in February 2017. Thus, the individual Vogler defendants apparently have still not complied with this Court's April 17, 2017 order. The Court ordered the parties to file memoranda with the Court as to the status of this matter (#102). Plaintiff explained that

the defendants never did comply with this Court's order compelling them to respond to the discovery requests. (#103.) Defendants did not respond.

In his motion for sanctions (#66), plaintiff requests that defendants be ordered to show cause as to why further sanctions should not be issued, including further monetary sanctions and/or entry of a default judgment. However, summary judgment has been granted against the defendants on the matter of the defendants' liability. The Court will deny the motion as moot. All that remains in this matter is the determination of damages. Plaintiff shall therefore submit to the Court a motion for the determination of damages against the defendants with appropriate supporting documents.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for sanctions (#66) is DENIED as moot.

IT IS FURTHER ORDERED that plaintiff shall file his motion for determination of damages with appropriate supporting documents no later than November 20, 2017. Defendants shall have seven days in which to file a memorandum in opposition, if any. Plaintiff's reply shall be filed seven days after any opposition is filed.

Dated this 3rd day of November, 2017.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT